IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTHDAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12050 of 2005

Between:

1 Bethalam Satyanarayana Raju S/o. Bethalam Rama Raju,
R/o. Alkapuram Village, Pittalavaripalem Mandal, Guntur District.
2 Mukka Venkata Ramana S/o. Mukka Appa Rao
R/o. D.No. 4-24/8/3, Mukka Appa Rao Street, Lambadipet, Vijayawada,

Krishna District.
3 B. Babji S/o. Late B. Paidaiah
R/o. D.No. 5-4-187/6/G-5, P.M. Modi Complex, M.G. Road, Secunderabad.

..... PETITIONERS

AND

1 Gas Authority of India Limited, Rajahmundry, East Godavari District.
2 The Competent Authority (ROU) & Special Deputy Collector (L.A), GAIL

(India) Ltd.,Danvaipeta, Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders more particularly in the nature of Writ of Mandamus by declaring the action of the Respondents in laying pipe lines through house plots in R.S. No. 369/1, situated at Gollapudi Village & Gram Panchayath, Vijayawada Rural Mandal, belongs to the petitioner No.1 and house plot bearing Sy.No. 369/2 situated at Gollapudi Village & Gra m Panchayath, Vljayawada Rural Mandal belonging to the Petitioner No.2, and house plot bearing Sy.No.369/2 situated at Gollapudi Village Gram Panchayath, Vljayawada Rural Mandal, belonging to the Petitioner No.3 while there is availability of an alternative Government Donka (Land) and Road, as illegal, arbitrary and against the principles of Natural Justice and pass such other order or orders as the Hon'ble Court may deems fit and proper in the

interest of Justice.

Counsel for the Petitioner:MR.K.VENKATA REDDY, P.S.P.SURESH KUMAR

Counsel for the Respondents : MR.KAKARAVENKATA RAO

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a declaration that the action of the respondents in laying pipelines through the house plots of the petitioners situated at Gollapudi village, Vijayawada, while there is availability of an alternative Government Dona (land) and road as illegal and arbitrary.

It is submitted by the learned counsel for the respondents that by virtue of Sections 3(1) and 6(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962, for the purpose of transport of petroleum, the Central Government is empowered to lay pipelines from one locality to another locality or by any state Government or a Corporation by giving notification in the Official Gazette declaring its intention to acquire the right of user therein. In the instant case, the Central Government has given gazette notification dated 11-09-2004 and it was locally published on 25-09-2004. Moreover, the petitioner purchased the land in question after issuance of the land acquisition proceedings by the Department and a suit in O.S.No.535 of 2005 on the file of the I Additional Senior Civil Judge, Vijayawada was also filed in this regard.

The rule position as of now clear that if the respondents-Government is satisfied that such lands are required for laying pipelines for transport of petroleum, by Gazette notification dated 11-09-2004, the right of user in the land for laying the pipelines was acquired. Apart from that admittedly, the petitioners purchased the land after issuance of the Gazette notification. Therefore, the grievance of the petitioners sought in this writ petition does not have an adjudicative disposition before this Court under Article 226 of the Constitution of India. The writ petition is misconceived and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

09-06-2005

Mjl/*

To,

1 Gas Authority of India Limited, Rajahmundry, East Godavari District.
2 The Competent Authority (ROU) & Special Deputy Collector (L.A), GAIL

(India) Ltd.,Danvaipeta, Rajahmundry, East Godavari District.

3. 2 CD copies.